

# HOUSE BILL REPORT

## SHB 2431

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### As Amended by the Senate

**Title:** An act relating to health professions background checks.

**Brief Description:** Requiring background checks on persons licensed as health care professionals.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Campbell, Morrell, Ericks, Moeller, Springer, B. Sullivan, Simpson, Green, Sells, O'Brien and Lantz).

### Brief History:

#### Committee Activity:

Health Care: 1/24/06, 1/27/06 [DP];  
Appropriations: 2/3/06, 2/4/06 [DPS].

#### Floor Activity:

Passed House: 2/14/06, 83-13.  
Senate Amended.  
Passed Senate: 3/2/06, 47-0.

### Brief Summary of Substitute Bill

- Requires the Department of Health (Department) to conduct background checks on all applicants for initial licenses to practice a health profession.
- Requires the Department to review federal health care provider data banks for any actions taken against health care providers licensed in Washington.

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass. Signed by 9 members: Representatives Cody, Chair; Campbell, Vice Chair; Morrell, Vice Chair; Appleton, Clibborn, Green, Lantz, Moeller and Schual-Berke.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander, Bailey, Condotta and Skinner.

**Staff:** Chris Blake (786-7392).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, Miloscia, Priest, Schual-Berke and P. Sullivan.

**Minority Report:** Do not pass. Signed by 12 members: Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Chandler, Clements, Hinkle, Pearson, Talcott and Walsh.

**Staff:** Amy Hanson (786-7118).

### **Background:**

In 2000, the Department of Health (Department) and the Department of Social and Health Services released a report on the issue of using criminal background checks as a requirement for obtaining a credential to practice as a health care provider. The report recommended that the Department conduct in-state background checks on new applicants for health care credentials. The Department began conducting background checks on new applicants and during the 2001-03 biennium, it conducted 85,028 background checks. Four percent of these had criminal convictions in Washington.

In 2004, the Legislature enacted ESHB 2556 which created the Joint Task Force on Criminal Background Check Processes (Task Force). Last session the duration of the Task Force was extended through December 2005. Among the preliminary recommendations considered by the Task Force were to require all school employees to have background checks as well as supporting fingerprint-based checks on all child care workers and foster parents.

The federal government maintains two data banks that track information related to actions against health care providers. The Healthcare Integrity and Protection Data Bank (HIPDB) collects information on final adverse actions against health care practitioners including civil judgments, criminal convictions, and licensing actions by state agencies. The National Practitioner Data Bank (NPDB) collects information on adverse actions (actions against a license, clinical privileges, professional society membership, participation in Medicaid or Medicare) against health care practitioners by licensing agencies, health care facilities, professional societies, and medical malpractice payers.

### **Summary of Substitute Bill:**

The Department must adopt rules to require applicants for an initial license to practice a health profession to have a background check through the Washington State Patrol (WSP). The rules must also specify those circumstances in which a state background check is inadequate and an electronic fingerprint-based national background check through the WSP and the Federal Bureau of Investigations must be conducted. Such situations include where an applicant has a criminal record in Washington or has recently lived out-of-state. The Department may not

issue a license to practice a health profession until a background check on the applicant has been completed. Criminal convictions that constitute unprofessional conduct must be considered when deciding whether or not to issue a license.

The Department must adopt rules to require that all license holders who practice a profession that is subject to either the NPDB or the HIPDB have their credentials regularly checked. The Department shall establish a schedule for conducting the reviews so that license holders are reviewed every four years. After three consecutive reviews of a license holder without a report in either data bank, the Department does not have to perform any further reviews of that individual unless there is probable cause to believe that a review is warranted. License holders also must report any convictions for a criminal offense that constitutes unprofessional conduct to the Department and their employers.

The background checks and the NPDB and HIPDB reviews shall be funded through licensing fees for health care professionals.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment removes all provisions requiring background checks and reviews of federal health care provider data banks. The Secretary of Health or his or her designee and a representative of the Washington Association of Criminal Defense Lawyers are added to the Joint Task Force on Criminal Background Checks (Task Force). The Task Force recommendations must address the feasibility of requiring the Department of Health to (1) conduct background checks on all applicants for an initial license to practice a health profession and (2) to review federal health care provider data banks. The expiration of the Task Force is extended from December 31, 2005 through December 31, 2006.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed, except for section 1, relating to background checks which takes effect July 1, 2007 and section 2, relating to federal data bank reviews which takes effect January 1, 2008.

**Testimony For:** (Health Care) (In support) This bill advances patient safety.

(With concerns) There should be a periodic review of the effectiveness of the background check and data bank review programs.

**Testimony For:** (Appropriations) None.

**Testimony Against:** (Health Care) The disciplining authorities should develop the rules for the background checks as they pertain to their own professions, not the Secretary of Health. The information from the data bank reviews must remain confidential.

**Testimony Against:** (Appropriations) None.

**Persons Testifying:** (Health Care) (In support) Mary Selecky, Department of Health.

(With concerns) Anne Tan Piazza, Washington State Nurses Association.

(Opposed) Tim Layton, Washington State Medical Association.

**Persons Testifying:** (Appropriations) None.

**Persons Signed In To Testify But Not Testifying:** (Health Care) None.

**Persons Signed In To Testify But Not Testifying:** (Appropriations) None.